

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q94468

Toshihisa KOMORI, et al.

Appln. No.: 10/576,496

Group Art Unit: 1636

Confirmation No.: 4656

Examiner: Jennifer Ann Dunston

Filed: April 20, 2006

For: BONE AND/OR JOINT DISEASE-ASSOCIATED GENES

STATEMENT OF AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, TEIJIN PHARMA LIMITED of 1-1, Uchisaiwaicho 2-chome, Chiyoda-ku, Tokyo 100-0011, Japan, and Toshihisa KOMORI of 53-131-5-23, Minego, Nagoya-cho, Nishisonogun, Nagasaki 851-2125, Japan, declare and state that:

We are the Assignees of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on April 19, 2006, at Reel 017817, Frame 0796.

We agree that upon allowance and issuance of the above identified application into a United States Patent, restriction on availability of the following deposits will be irrevocably removed:

RU-1 cell line and

RU-22 cell line

which is designated in the specification of the above-identified application and was deposited under the terms of the Budapest Treaty on August 5, 2003 as FERM BP-10137 (RU-1 cell line) and FERM BP-10138 (RU-22 cell line) in the International Patent Organism

STATEMENT OF AVAILABILITY
U.S. Appln. No.: 10/576,496

Attorney Docket No.: Q94468

Depository, National Institute of Advanced Industrial Science and Technology (Tsukuba Central 6, 1-1, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305-8566 Japan).

We agree that the above-identified cell lines designated in the above identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit, or for the effective life of any patent which issues on the above identified application, whichever is longer;

We agree that if the deposit becomes non-viable, it will be replaced; and

We also assure access to the deposit to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,
/Tu A. Phan/

Tu A. Phan, Ph.D.
Registration No. 59,392

On behalf of:

TEIJIN PHARMA LIMITED and
Toshihisa KOMORI

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 20, 2009